

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GERALD H. STOLP,  
Plaintiff,  
v.

PEOPLE OF THE STATE OF  
CALIFORNIA,  
Defendant.

Case No. [16-cv-00498-JD](#)

**ORDER**

This pro se habeas action was initiated when petitioner filed a motion for a stay. On that same day the Court notified petitioner that he needed to file a petition and a blank petition was sent to him. Petitioner was informed that if he did not submit a petition within twenty-eight days the case would be dismissed. No petition has been received. Without an underlying petition or case and controversy, the Court cannot rule on the motion to stay. The Court notes that based on petitioner's filing it appears that the expiration of the statute of limitations is near. Therefore, petitioner will be provided another opportunity to file a petition.

Moreover, it is not clear if this is the correct venue. It appears that petitioner was convicted in Calaveras County, which is in the Eastern District of California. When petitioner files a petition he must indicate the county where his conviction occurred. Petitioner will be provided until **May 23, 2016**, to file a petition.

**IT IS SO ORDERED.**

Dated: April 19, 2016

  
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JAMES DONATO  
United States District Judge

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 19, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Gerald H. Stolp ID: ID: AK4738  
California Correctional Institution  
P.O. Box 1902  
Tehachapi, CA 93581

Dated: April 19, 2016

Susan Y. Soong  
Clerk, United States District Court

By:   
LISA R. CLARK, Deputy Clerk to the  
Honorable JAMES DONATO